

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NOEL VALDIVIA, SR.,

Petitioner,

No. CIV S-05-0416 ALA HC

vs.

JILL BROWN, et al.,

Respondents.

ORDER

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Petitioner Noel Valdivia is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 19, 2007, this court ordered the parties to provide additional briefing. In response Petitioner filed a motion requesting the court take judicial notice of *Ronald Hayward v. John Marshall, Warden*, Case No. 06-55392 (D.C. No. CV-05-072339 GAF (CT) (January 3, 2008)).

The Court is aware of the Ninth Circuit's decision in *Ronald Hayward v. John Marshall, Warden*, Case No. 06-55392 (D.C. No. CV-05-072339 GAF (CT) (January 3, 2008)). Accordingly, Petitioner's request that the Court take judicial notice of the Hayward case is denied as moot.

In accordance with the above, IT IS HEREBY ORDERED that Petitioner's January 16, 2008, motion to take judicial notice is DENIED as moot.

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2 DATED: January 24, 2008

3 /s/ Arthur L. Alarcón
4 UNITED STATES CIRCUIT JUDGE
Sitting by Designation

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